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MetLife Group, Inc., Met Life, Inc.

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PENDLETON DIVISION

BRADLEY D. ZIMMER,

2-18-cv-1062
Case No. _____

Plaintiff,

v.

**METROPOLITAN LIFE INSURANCE
COMPANY; METLIFE GROUP, INC.; MET
LIFE, INC.; and JOHN DOE,**

Defendants.

Metropolitan Life Insurance Company's
NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441, and
1446 (Diversity)

Umatilla County Circuit Court
Case No. 18CV19798

TO: United States District Court for the District of Oregon, Pendleton Division; Clerk of the Umatilla County Circuit Court; and to Bradley D. Zimmer and Dustin A. Martinsen, his attorney:

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1332(A), 1441, and 1446, defendant Metropolitan Life Insurance Company ("MetLife") removes to this Court the state court action described below. Removal of this action is proper based on the following facts:

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1. On or about May 16, 2018, plaintiff filed a Complaint in the Umatilla County Circuit Court of the State of Oregon, entitled *Bradley D. Zimmer v. Metropolitan Life Insurance Company; MetLife Group, Inc.; Met Life, Inc.; and John Doe*, Case No. 18CV19798 (hereafter the “State Court Action”), seeking declaratory relief and damages for breach of contract.

DIVERSITY JURISDICTION

2. The United States District Court for the District of Oregon has original jurisdiction over the State Court Action pursuant to 28 U.S.C. § 1332(a) because complete diversity of citizenship exists between the parties and the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

3. Citizenship of Parties. The named parties are of completely diverse citizenships.

A. Plaintiff is a resident of Oregon and therefore a citizen of Oregon for purposes of diversity jurisdiction. (Compl. ¶ 4.)

B. MetLife is a corporation organized under the laws of the State of New York with its principle place of business in New York and is therefore a citizen of New York for purposes of diversity jurisdiction. MetLife, Inc. is a corporation organized under the laws of the State of Delaware with its principal place of business in Delaware and is therefore a citizen of Delaware for purposes of diversity jurisdiction. MetLife Group, Inc. is a corporation organized under the laws of the State of New York with its principle place of business in New York and is therefore a citizen of New York for purposes of diversity jurisdiction.

C. Plaintiff includes an individual defendant “Doe” as a party to this suit. Pursuant to 28 U.S.C. § 1441(b)(1), the citizenship of this defendant sued under a fictitious name “shall be disregarded” in determining diversity of citizenship.

4. Amount in Controversy. Plaintiff seeks benefits owed pursuant to a long-term disability insurance policy. MetLife’s calculation of alleged benefits owed based on the information submitted to MetLife during the claims process indicate the amount in controversy is

no less than \$170,000. Accordingly, the amount of controversy exceeds the \$75,000 required by 28 U.S.C. § 1332 to bring a claim within the jurisdiction of this Court.

5. Because plaintiff and defendants are citizens of different states and the amount in controversy exceeds \$75,000, exclusive of interest and costs, this court has original jurisdiction to hear the dispute under 28 U.S.C. § 1332.

PROCEDURAL REQUIREMENTS

6. Removal to Proper Court. The action is removable to this Court and the Pendleton Division because this is the district and division embracing Umatilla County, where the action is now pending.

7. Removal Is Timely. MetLife was served on May 24, 2018. This Notice of Removal is filed within 30 days of MetLife's receipt of the initial pleading alleging a basis for removal as required by 28 U.S.C. § 1446(b).

8. Pleadings and Process. Attached hereto as **Exhibit 1** is a copy of all process, pleadings, and orders received by Metropolitan Life Insurance Company concerning the State Court Action. *See* 28 U.S.C. § 1446(a).

9. Notice. A copy of the Notice of Filing of Removal to Federal Court will be timely filed with the clerk of the state court in which the action is pending and served on plaintiff pursuant to 28 U.S.C. § 1446(d) (attached hereto as **Exhibit 2**, excluding exhibits). A copy of the Notice to Adverse Party of Filing of Notice of Removal will be served promptly on plaintiff, pursuant to 28 U.S.C. § 1446(a), (d) (attached hereto as **Exhibit 3**, excluding exhibits).

10. Signature. This Notice of Removal is signed pursuant to Fed. R. Civ. P. 11. *See* 28 U.S.C. § 1446(a).

11. Consent. MetLife has obtained consent to removal from the other named defendants in this action.

12. Based upon the foregoing, this Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332, and the claims may be removed to this Court under 28 U.S.C. §§ 1441 and 1446.

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13. In the event that plaintiff seeks to remand this case, or the Court considers remand *sua sponte*, MetLife respectfully requests the opportunity to submit such additional argument or evidence in support of removal as may be necessary.

14. MetLife has good and sufficient defenses to this action and does not waive any defenses, jurisdictional or otherwise, by the filing of this Notice.

15. This notice is filed in accordance with Rule 11 of the Federal Rules of Civil Procedure.

Wherefore, MetLife removes this action from the Circuit Court of the State of Oregon, for the County of Umatilla, to the United States District Court for the District of Oregon, Pendleton Division.

DATED: June 18, 2018

LANE POWELL PC

By s/ Stephanian Denton
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CERTIFICATE OF SERVICE

I hereby certify that on June 18, 2018, I caused to be served a copy of the foregoing NOTICE OF REMOVAL on the following person(s) in the manner indicated below at the following address(es):

Dustin A. Martinsen
BUTLER & LOONEY, P.C.
292 Main Street, South
PO Box 430
Vale, OR 97918

- by CM/ECF
- by Electronic Mail (courtesy copy)
- by Electronic Mail (e-mail agreement in place)
- by Facsimile Transmission
- by First Class Mail
- by Hand Delivery
- by Overnight Delivery

s/ Hans Huggler
Hans N. Huggler